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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,463	04/30/2001	Cristi Nesbitt Ullmann	AUS9-2001-0249-US1	3024

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EXAMINER

GOLINKOFF, JORDAN

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 02/27/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary

Application No.

09/845,463

Applicant(s)

ULLMANN ET AL.

Examiner

Jordan S Golinkoff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-27 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 30 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 9-11, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Windows Explorer ("MS Explorer," Microsoft Windows Explorer 2000 Screen Dumps, Figures 1 and 2) in further view of Aritomi (US006407760B1).

As per independent claim 1, Applicants claim a computer controlled user-interactive display system, a display interface implementation for providing alternate access for physically impaired users to items normally displayed in drop down menus comprising: means for displaying a sequential set of drop down menus, each having a plurality of selectable items; selection means scrolled along each of said menus. It is notoriously well known in the art to display and select items from a drop down menu. For example, MS Explorer teaches a means for displaying a sequential set of drop down menus, each having a plurality of selectable items (figure 2, element 1); selection means scrolled along each of said menus (figure 2, element 1). However, MS Explorer does not disclose a means enabling a user to selectively display as an alternative to said set of menus, a hierarchical arrangement of selectable items corresponding to items in said set of menus.

Aritomi teaches a means enabling a user to selectively display as an alternative to said set of menus, a hierarchical arrangement of selectable items corresponding to items in said set of

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menus (column 5, lines 15-30, *i.e. – the assigning action opens the alternate view of the menu*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of MS Explorer with a means to selectively display a hierarchical arrangement of menus as an alternative view, as taught by Aritomi, with the motivation to allow for more efficient navigating of a menu structure (columns 1-2, lines 65-3).

As per claim 2, which is dependent on claim 1, the combination of MS Explorer and Aritomi teach that the menus in said sequential set of drop down menus sequentially vary from each other in scope (Aritomi, column 2, lines 31-38 and figure 2, *varied scope of menu*); and said alternative hierarchical arrangement of selectable items is a tree of said items with sequential levels of varying scope respectively corresponding to the varying scope of said set of menus (Aritomi, column 2, 31-38, *i.e. – blocks*).

As per claim 3, which is dependent on claim 2, the combination of MS Explorer and Aritomi teach that the selectable items in said tree are icons (Aritomi, column 2, 31-38, *i.e. – blocks*).

Claims 9-11 are similar in scope to claims 1-3, respectively, and are therefore rejected under similar rationale.

Claims 17-19 are similar in scope to claims 1-3, respectively, and are therefore rejected under similar rationale.

3. Claims 4-5, 12-13, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Windows Explorer (“MS Explorer,” Microsoft Windows 2000 Explorer Screen Dumps, Figures 1 and 2) further in view of Aritomi (US006407760B1) and further in view of Lamping et al. (“Lamping,” US005619632A).

As per claim 4, which is dependent on claim 3, the teachings of the combination of MS Explorer and Aritomi in regards to claim 3 have been discussed above. The combination of MS Explorer and Aritomi do not disclose that the icons are varied in size so as to be optimized to diminish the effects of the individual user's impairment.

Lamping teaches that the icons are varied in size so as to be optimized to diminish the effects of the individual user's impairment (figure 19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of MS Explorer and Aritomi to include a means to vary the size of icons in a hierarchy, as taught by Lamping, with the motivation to provide an hierarchical structure that is easier to navigate and highly intuitive (column 4, lines 62-66).

As per claim 5, which is dependent on claim 4, Lamping teaches that the icons in said tree are varied in distance from each other so as to be optimized to diminish the effects of the individual user's impairment (figure 19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of MS Explorer and Aritomi to include a means to vary the distance between icons in a hierarchy, as taught by Lamping, with the motivation to provide an hierarchical structure that is easier to navigate and highly intuitive (column 4, lines 62-66).

Claims 12-13 are similar in scope to claims 4-5, respectively, and are therefore rejected under similar rationale.

Claims 20-21 are similar in scope to claims 4-5, respectively, and are therefore rejected under similar rationale.

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4. Claims 6, 8, 25, 14, 16, 26, 22, 24, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Windows Explorer ("MS Explorer," Microsoft Windows 2000 Explorer Screen Dumps, Figures 1 and 2) further in view of Aritomi (US006407760B1) further in view of Lamping et al. ("Lamping," US005619632A) and further in view of Kanevsky et al ("Kanevsky," US006654034B1).

As per claim 6, which is dependent on claim 4, the teachings of the combination of MS Explorer, Aritomi, and Lamping in regards to claim 4 have been discussed above. The combination of MS Explorer, Aritomi, and Lamping do not disclose a means for tracking use characteristics of an individual user; and means responsive to said tracking means for dynamically varying said sizes of said icons.

Kanevsky teaches a means for tracking use characteristics of an individual user (column 5, lines 20-23); and means responsive to said tracking means for dynamically varying said sizes of said icons (column 5, lines 20-23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of MS Explorer, Aritomi, and Lamping to include a means to track user activity and vary the size of icons based on the user's activity, as taught by Kanevsky, with the motivation to speed the user's access to frequently used material (column 1, lines 55-58).

As per claim 8, which is dependent on claim 6, Kanevsky teaches that the means for tracking use characteristics of an individual user includes: means for counting the number of times that a plurality of icons are selected; and means responsive to said counting means for varying the sizes of said icons relative to the selection counts of said icons (column 5, lines 20-23, *calculating frequency of use implies counting user's activities*).

As per claim 25, which is dependent on claim 6, Kanevsky teaches that the means for tracking use characteristics of an individual user includes: means for counting the number of times that a plurality of icons are selected; and means responsive to said counting means for varying the locations of said icons in said hierarchical tree relative to the selection counts of said icons (column 5, lines 15-20).

Claims 14, 16, and 26 are similar in scope to claims 6, 8, and 25, respectively, and are therefore rejected under similar rationale.

Claims 22, 24, and 27 are similar in scope to claims 6, 8, and 25, respectively, and are therefore rejected under similar rationale.

5. Claims 7, 15, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Windows Explorer ("MS Explorer," Microsoft Windows 2000 Explorer Screen Dumps, Figures 1 and 2) further in view of Aritomi (US006407760B1) further in view of Lamping et al. ("Lamping," US005619632A) and further in view of Blades et al. ("Blades," US005420975A).

As per claim 7, which is dependent on claim 4, the teachings of the combination of MS Explorer, Aritomi, and Lamping in regards to claim 4 have been discussed above. The combination of MS Explorer, Aritomi, and Lamping do not disclose a means for tracking use characteristics of an individual user; and means responsive to said tracking means for eliminating rarely used icons from said tree.

The combination of MS Explorer, Aritomi, and Lamping teach displaying icons in a tree structure. Blades teaches a means for tracking use characteristics of an individual user (column 2, lines 58-59); and means responsive to said tracking means for eliminating rarely used icons

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(column 3, lines 8-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of MS Explorer, Aritomi, and Lamping to include a means to eliminate rarely used icons, as taught by Blades, with the motivation to automatically configure a display to show only items used above a certain baseline frequency (column 3, lines 16-19).

Claims 15 and 23 are similar in scope to claim 7, and are therefore rejected under similar rationale.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Masaoka (JP 11237942) teaches a system to display the hierarchical position of a menu structure to allow for more efficient menu navigation.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan S Golinkoff whose telephone number is 703-305-8771. The examiner can normally be reached on Monday through Thursday from 8:30 a.m. to 6:00 p.m. and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information

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regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jordan Golinkoff
Patent Examiner
February 19, 2004

Kristine Kincaid
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